

ORDER:
The motion is **GRANTED**.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

Alistair E. Newbern
U.S. Magistrate Judge

CONCORD MUSIC GROUP, INC., ET AL.,

Plaintiffs,

v.

ANTHROPIC PBC,

Defendant.

Case No. 3:23-cv-01092

Chief Judge Waverly D. Crenshaw, Jr.
Magistrate Judge Alistair Newbern

**PLAINTIFFS' UNOPPOSED MOTION TO CORRECT THE COURT'S ORDER
IN REGARD TO PAGE LIMITS FOR PLAINTIFFS'
PRELIMINARY INJUNCTION MOTION BRIEFING**

Plaintiffs respectfully submit this motion to correct the Court's recent order (ECF No. 57) regarding the concurrent briefing of Plaintiffs' Motion for Preliminary Injunction and Defendant's Motion to Dismiss or Transfer, to reflect the previously ordered expanded page limit of 15 pages for Plaintiffs' reply brief in support of their Motion for Preliminary Injunction (ECF No. 38). Pursuant to Local Rule 7.01(a)(1), Plaintiffs conferred with Defendant Anthropic PBC by email prior to filing this motion. Defendant's counsel stated Defendant does not oppose this motion.

In anticipation of filing the Motion for Preliminary Injunction ("PI Motion"), Plaintiffs and Defendant filed a joint motion (ECF No. 34) seeking to enlarge the page limits for the briefing. On November 15, 2023, Judge Crenshaw granted the parties' Joint Motion to Enlarge Page Limit for Briefing of the PI Motion (ECF No. 38), permitting the agreed-to enlarged page limits including 15 pages for Plaintiffs' reply. However, Magistrate Judge Newbern's recent order (ECF No. 57), entered on December 1, 2023, ("December 1 Order") regarding the concurrent briefing schedule for the PI Motion and the Motion to Dismiss or Transfer indicated that the parties' reply briefs in

support of both motions would be limited to five pages, as opposed to the previously ordered 15-page limit for Plaintiffs' reply in support of their PI motion.¹

Plaintiffs request that the Court correct the December 1 Order and confirm the page limit of 15 pages for Plaintiffs' reply in support of their PI motion. The parties agreed upon and jointly requested expanded page limits, including 30 pages for Defendant's response and 15 pages for Plaintiffs' reply, in their joint motion (ECF No. 34). The expanded page limit for the reply will ensure that Plaintiffs have sufficient opportunity to appropriately address for the Court the factual and legal arguments the parties have discussed will be raised in Defendant's opposition papers, including the application of the multi-factor tests for preliminary injunctions, Defendants' copyright fair use defense (and potentially other defenses), and recent opinions of other courts regarding the state of the law in this area. Plaintiffs structured the arguments and content of their opening brief in reliance on the previously ordered enlarged page limits for the reply brief. An unanticipated change in page limits at this stage will prejudice Plaintiffs and prevent the Court from benefitting from a thorough discussion of the issues.

Accordingly, Plaintiffs respectfully request that the Court correct the December 1 Order to reflect the enlarged 15-page limit for Plaintiffs' reply in support of the PI Motion, as previously ordered.

¹ The parties never sought to modify the page limit for Defendant's reply its support of its Motion to Dismiss. *See* ECF No. 34.

Dated: December 5, 2023

Respectfully submitted,

/s/ Steven A. Riley

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CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2023, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following counsel of record:

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